

GENERAL GOVERNMENT CABINET
Kentucky Board of Medical Licensure
(Amendment)

201 KAR 9:031. Examinations.

RELATES TO: KRS 311.565(13), (16), (18), (22)

STATUTORY AUTHORITY: KRS 311.565(13), (16), (18), (22)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 311.565 authorizes the board to promulgate administrative regulations governing examinations. This administrative regulation establishes standards and requirements relating to examinations.

Section 1. Basic Requirement; Passing Score. (1) An applicant for a license or permit issued by the board shall provide written proof that he or she has received a score:

(a) Of seventy-five (75), on each step, part, or component or its numerical equivalent; or

(b) A FLEX weighted average (FWA) of seventy-five (75) in a single sitting.

(2) A passing score for an applicant who has taken Component I and Component II of the Federation Licensing Examination (FLEX) shall be a score of seventy-five (75) on each component.

(3) The board shall recognize a passing score on the above examinations provided the applicant obtains a passing score within four (4)~~[4]~~ attempts for each step, component, part, or level.

(4) A passing score for an applicant who takes Step 1, 2, and 3 of the United States Medical Licensing Examination (USMLE) shall be a score of seventy-five (75) or its numerical equivalent. A passing score for an applicant who takes Levels 1, 2, and 3 of the Comprehensive Osteopathic Medical Licensing Examination (COMLEX-USA ~~[COMPLEX-USA]~~) shall be a score of seventy-five (75) or its numerical equivalent.

(5) For an applicant who takes Parts 1 and 2 of the Medical Council of Canada Qualifying Examination, scores on each component deemed to be a "pass score" by the Medical Council of Canada in the year the examination was taken.

~~(6)~~~~(5)~~ The board shall recognize the following combinations of examinations only if completed prior to the year 2000:

(a) NBME Part I or USMLE Step 1, plus NBME Part II or USMLE Step 2, plus NBME Part III or USMLE Step 3; or

(b) FLEX Component I plus USMLE Step 3; or

(c) NBME Part I or USMLE Step 1, plus NBME Part II or USMLE Step 2, plus FLEX Component 2.

Section 2. Examinations Approved by the Board. The following examinations are approved by the board in regard to the fulfillment of the examination requirement for licensure:

(1) Examinations administered prior to 1972 by the licensure authority of another state, United States territory or Canadian province upon sufficient proof that the examination consisted of comprehensive testing in the basic and clinical sciences;

(2) The examination administered by the Federation of State Medical Boards, (FLEX);

(3) The examination administered by the National Board of Medical Examiners (NBME);

(4) The examination administered by the National Board of Osteopathic Medical Examiners (NBOME) or Comprehensive Osteopathic Medical Licensing Examination (COMLEX-USA~~[COMPLEX-USA]~~);

(5) The examination administered jointly by the Federation of State Medical Boards and Na-

tional Board of Medical Examiners entitled United States Medical Licensing Examination (USMLE); and[-]

(6) The Medical Council of Canada Qualifying Examination administered by the Medical Council of Canada, if both Parts 1 and 2 have been successfully completed.

Section 3. The board may deny a license or permit when in the board's opinion the examination by which the applicant is seeking to fulfill the examination requirement inadequately tested the applicant's knowledge, education, training and competency.

RUSSELL L. TRAVIS, M.D., President

APPROVED BY AGENCY: April 11, 2018

FILED WITH LRC: April 12, 2018 at noon

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall be held on May 23, 2018 at 9:00 a.m., at the offices of the Kentucky Board of Medical Licensure, 310 Whittington Parkway, Suite 1B, Louisville, Kentucky 40222. Individuals interested in being heard at this hearing shall notify this agency in writing by May 16, 2018, five (5) workdays prior to the hearing, of their intent to attend. If no notification of intent to attend the hearing was received by that date, the hearing may be cancelled. This hearing will not be transcribed unless a written request for a transcript is made. If you do not wish to be heard at the public hearing, you may submit written comments on the proposed administrative regulation. Written comments shall be accepted until May 31, 2018. Send written notification of intent to be heard at the public hearing or written comments on the proposed administrative regulation to the contact person.

CONTACT PERSON: Leanne K. Diakov, General Counsel, Kentucky Board of Medical Licensure, 310 Whittington Parkway, Suite 1B, Louisville, Kentucky 40222, phone (502) 429-7150, fax (502) 429-7118, email Leanne.Diakov@ky.gov

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Leanne K. Diakov

(1) Provide a brief summary of:

(a) What this administrative regulation does: This administrative regulation establishes standards and requirements relating to examinations.

(b) The necessity of this administrative regulation: This administrative regulation is necessary to establish standards and requirements relating to examinations.

(c) How this administrative regulation conforms to the content of the authorizing statutes: This administrative regulation acts specifically to establish standards and requirements related to examinations.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This administrative regulation acts specially to establish the standards and requirements related to examinations.

(2) If this is an amendment to an existing administrative regulation, provide a brief summary of:

(a) How the amendment will change this existing administrative regulation: This administrative regulation corrects citations to the osteopathic medical licensing examination and includes the Medical Council of Canada Qualifying Examination, parts 1 and 2.

(b) The necessity of the amendment to this administrative regulation: This amendment is necessary to correct citations to the osteopathic medical licensing examination and includes the Medical Council of Canada Qualifying Examination, parts 1 and 2.

(c) How the amendment conforms to the content of the authorizing statutes: This amendment acts specifically to correct citations to the osteopathic medical licensing examination and includes the Medical Council of Canada Qualifying Examination, parts 1 and 2.

(d) How the amendment will assist in the effective administration of the statutes: This amendment acts specifically to correct citations to the osteopathic medical licensing examination and includes the Medical Council of Canada Qualifying Examination, parts 1 and 2.

(3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: This amendment will affect all physicians or osteopaths licensed in the Commonwealth of Kentucky.

(4) Provide an analysis of how the entities identified in question (3) will be impacted by either the implementation of this administrative regulation, if new, or by the change, if it is an amendment, including:

(a) List the actions that each of the regulated entities identified in question (3) will have to take to comply with this administrative regulation or amendment: None.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (3): None.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (3): Will correct citations to the osteopathic medical licensing examination and includes the Medical Council of Canada Qualifying Examination, parts 1 and 2.

(5) Provide an estimate of how much it will cost to implement this administrative regulation:

(a) Initially: None.

(b) On a continuing basis: None.

(6) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation: Funding comes directly from applicants/licensees.

(7) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change, if it is an amendment: No increase in fees.

(8) State whether or not this administrative regulation establishes any fees or directly or indirectly increases any fees: Will not increase any fees.

(9) TIERING: Is tiering applied? Tiering was not appropriate in this administrative regulation because the administrative regulation applies equally to those individuals regulated by it.

FISCAL NOTE ON STATE OR LOCAL GOVERNMENT

(1) What units, parts or divisions of state or local government (including cities, counties, fire departments, or school districts) will be impacted by this administrative regulation? The Kentucky Board of Medical Licensure will be impacted by this administrative regulation.

(2) Identify each state or federal statute or federal regulation that requires or authorizes the action taken by the administrative regulation: KRS 311.565(1)(a), (b), 311.601(1), (2)

(3) Estimate the effect of this administrative regulation on the expenditures and revenues of a state or local government agency (including cities, counties, fire departments, or school districts) for the first full year the administrative regulation is to be in effect. None

(a) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for the first year? None

(b) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for subsequent years? None

(c) How much will it cost to administer this program for the first year? None

(d) How much will it cost to administer this program for subsequent years? None

Note: If specific dollar estimates cannot be determined, provide a brief narrative to explain the fiscal impact of the administrative regulation.

Revenues (+/-):

Expenditures (+/-):

Other Explanation: